

****NOT FOR PRINTED PUBLICATION****

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**AMY MCSWEENEY AND
JAMES MCSWEENEY,**

Plaintiffs

vs.

WELLS FARGO, N.A.,

Defendant.

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**CIVIL ACTION NO. 4:15-cv-494
(Judge Clark/Judge Bush)**

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND
DISMISSING CASE WITH PREJUDICE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 10, 2016, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Wells Fargo, N.A.'s Motion to Dismiss for Lack of Subject-Matter Jurisdiction and/or for Failure to State a Claim Upon Which Relief Can be Granted, and, Subject Thereto, Application to Compel Arbitration, Plea in Abatement, and Motion to Stay Suit Pending Arbitration (Dkt. # 5) should be GRANTED as to Defendant's motion to compel arbitration, that the remainder of Defendant's motion should be DENIED, that all

of Plaintiffs' claims should be dismissed in favor of binding arbitration, and that this matter should be closed on the court's docket.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's recommendations as the findings and conclusions of the court. Defendant Wells Fargo, N.A.'s Motion to Dismiss for Lack of Subject-Matter Jurisdiction and/or for Failure to State a Claim Upon Which Relief Can be Granted, and, Subject Thereto, Application to Compel Arbitration, Plea in Abatement, and Motion to Stay Suit Pending Arbitration (Dkt. # 5) is GRANTED as to Defendant's motion to compel arbitration and DENIED as to the remainder of Defendant's motion.

All of Plaintiffs' claims are DISMISSED with prejudice in favor of binding arbitration, and this matter is ORDERED closed on the court's docket.

So **ORDERED** and **SIGNED** this **8** day of **March, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge